



General Assembly

Amendment

January Session, 2015

LCO No. 7657



Offered by:

REP. MILLER, 36th Dist.

REP. ORANGE, 48th Dist.

To: Subst. House Bill No. **5092**

File No. 214

Cal. No. 145

(As Amended by House Amendment Schedule "A")

"AN ACT CONCERNING THE DISCONTINUANCE OF HIGHWAYS AND PRIVATE WAYS BY MUNICIPALITIES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 13a-49 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2015, and*
5 *applicable to discontinuances or partial discontinuances proposed to take effect*
6 *on or after said date*):

7 (a) (1) The selectmen of any town may, subject to approval by a
8 majority vote at any regular or special town meeting, as applicable, by
9 a writing signed by them, discontinue any highway or private way, or
10 land dedicated as such, in its entirety, or may discontinue any
11 [portion] part thereof or any property right of the town or public
12 therein, except when laid out by a court or the General Assembly, and

13 except where such highway is within a city, or within a borough
14 having control of highways within its limits. [Any]

15 (2) Whenever the selectmen of a town meet to take final action on
16 the discontinuance or partial discontinuance of a highway or private
17 way, or land dedicated as such, the selectmen shall provide written
18 notice of their meeting to each owner of property that bounds such
19 highway or private way, or land dedicated as such. If, in the opinion of
20 the selectmen, the boundary lines or limits of such highway or private
21 way, or land dedicated as such, have become lost or uncertain, the
22 selectmen shall make reasonable efforts to identify the boundary lines
23 or limits of such highway or private way, or land dedicated as such,
24 and shall give notice of such meeting to each owner of property that
25 bounds such identified boundary line or limit in accordance with this
26 subdivision. Such reasonable efforts need not include an examination
27 of title, or abstracts thereof, or a land survey. The notice required
28 pursuant to this subdivision shall not be required if the selectmen
29 make a finding on the record, supported by articulated fact, that (A)
30 such owner's property does not bound a part of such highway or
31 private way, or land dedicated as such, or identified boundary line or
32 limit of such highway or private way, or land dedicated as such, that is
33 being discontinued, (B) such notice is not necessary, and (C) such
34 property would not lose its sole access to a highway or private way, or
35 land dedicated as such, because of such discontinuance or partial
36 discontinuance. Such notice shall be provided by mailing a notice of
37 the date, time, place and subject of such meeting of the selectmen to
38 such owner at such owner's address, as shown on the last-completed
39 grand list of the town, by first class mail postmarked not less than
40 thirty days prior to the date of such meeting. Thirty days prior to the
41 date of such meeting, the town shall post a sign conspicuously on both
42 ends of such highway or private way, or land dedicated as such, or
43 part thereof, which shall include the date, time, place and subject of
44 such meeting, except that such sign shall only be required on one end
45 of such highway or private way, or land dedicated as such, if the
46 selectmen make a finding on the record, supported by articulated fact,

47 that such sign is only necessary on one end of such highway or private
48 way, or land dedicated as such.

49 (3) If the town discontinues any highway or private way, or land
50 dedicated as such, or discontinues any part thereof or any property
51 right of the town or public therein in accordance with subdivision (1)
52 of subsection (a) of this section, the selectmen shall (A) provide written
53 notice by certified mail, return receipt requested, of such
54 discontinuance or partial discontinuance to the same persons to whom
55 notice was sent pursuant to subdivision (2) of this section, and (B) after
56 such written notice is sent, cause to be recorded on the land records of
57 the town a notice of such discontinuance or partial discontinuance,
58 which notice shall include (i) a listing of each parcel of property for
59 which notice was required to be sent pursuant to subdivision (2) of this
60 subsection, (ii) the name of the owner of each such parcel of property
61 as shown in the last-completed grand list of the town, and (iii) the
62 current assessor's map, block and lot number for each such parcel.

63 (4) (A) Except as provided in subparagraph (B) of this subdivision,
64 any person aggrieved [may be relieved by application] by a
65 discontinuance or partial discontinuance under this subsection may,
66 not later than one hundred twenty days after notice of discontinuance
67 or partial discontinuance is recorded on the land records of the town
68 pursuant to subdivision (3) of this subsection, apply to the [Superior
69 Court, to be made and proceeded with] superior court for the judicial
70 district in which such town is located, in the manner prescribed in
71 section 13a-62, as amended by this act.

72 (B) Any owner of property who is aggrieved by the failure to
73 receive the meeting notice required under subdivision (2) of this
74 subsection may apply to the superior court for the judicial district in
75 which such town is located not later than one hundred twenty days
76 after notice of discontinuance or partial discontinuance is recorded on
77 the land records of the town pursuant to subdivision (3) of this
78 subsection. No discontinuance or partial discontinuance shall be
79 invalidated by such court on the basis of the selectmen's failure to

80 provide the meeting notice required under subdivision (2) of this
81 subsection to an owner of property if the town establishes that (i) a
82 meeting notice that meets the requirements of subdivision (2) of this
83 subsection was mailed in accordance with subdivision (2) of this
84 subsection to such owner's address, as shown in the applicable last-
85 completed grand list of the town, or (ii) the selectmen made a good
86 faith effort to identify the parcels of property that bound the highway
87 or private way, or land dedicated as such, or such identified boundary
88 line or limit, in accordance with subdivision (2) of this subsection, and
89 mailed notice in accordance with subdivision (2) of this subsection to
90 each owner of such identified parcels of property, as shown in the
91 applicable last-completed grand list of the town.

92 (b) Whenever a petition has been presented to the selectmen for
93 such discontinuance or partial discontinuance of any land dedicated as
94 a highway or private way but which has not been actually used,
95 worked or accepted [,] as a highway [,] by the town, and such
96 discontinuance or partial discontinuance has not been made by the
97 selectmen and approved by the town within twelve months after such
98 presentation, any person aggrieved may [be relieved by application to
99 said court, to be made and proceeded with] apply to the superior court
100 for the judicial district in which such town is located, in the manner
101 prescribed in section 13a-62, as amended by this act.

102 Sec. 2. Section 13a-62 of the general statutes is repealed and the
103 following is substituted in lieu thereof (*Effective October 1, 2015*):

104 Any person aggrieved by the doings of the selectmen in laying out a
105 highway may, within [eight months] one hundred twenty days after
106 the survey thereof has been accepted by the town, apply to the
107 superior court for the judicial district in which such town is located for
108 relief, causing such selectmen to be cited to show cause why such relief
109 should not be granted. Such application shall be heard and determined
110 by a committee of three disinterested persons to be appointed by the
111 court. If such committee finds that such highway is not of common
112 convenience and necessity, said court shall set aside such layout, and,

113 if said court sets aside such layout, the costs shall be paid by the town;
114 but, if such committee finds that such highway is of common
115 convenience and necessity, the application shall be dismissed with
116 costs. The report of such committee may be set aside by the court for
117 any irregularity or improper conduct on its part. Proceedings under
118 this section shall not prevent or delay the opening or occupation of
119 such highway."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015, and applicable to discontinuances or partial discontinuances proposed to take effect on or after said date</i>	13a-49
Sec. 2	<i>October 1, 2015</i>	13a-62